

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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CIVIL ACTION NO. 04-30175-MAP
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

\$35,000.00 IN U. S. CURRENCY,

DEFENDANT

ANSWER TO COMPLAINT FOR FORFEITURE

AND DEMAND FOR JURY TRIAL

The Claimant, Joseph Guilbe, by his undersigned attorney, Thomas F. McGuire, makes the following Answer to the Complaint for Forfeiture In Rem:

1. The Claimant makes no answer to Paragraph One of the Complaint as this states a conclusion of law.
2. The Claimant makes no answer to Paragraph Two of the Complaint as this states a conclusion of law.
3. As to the allegations contained in Paragraph Three of the Complaint, the Claimant admits that the Defendant Currency was seized on February 11, 2003 at 62 Roberto Clemente Street in Holyoke, Massachusetts, but the Claimant denies that the Defendant Currency was seized from William Guilbe.
4. The allegations contained in Paragraph Four of the Complaint are denied.
5. The allegations contained in Paragraph Five of the Complaint are denied.

FIRST DEFENSE

The Claimant states that he is an innocent party entitled to the currency and therefore the currency is not subject to seizure and forfeiture pursuant to 21 U.S.C. Section 881 (a)(6) and (b).

SECOND DEFENSE

The Plaintiff lacks probable cause for the institution of this forfeiture suit.

THIRD DEFENSE

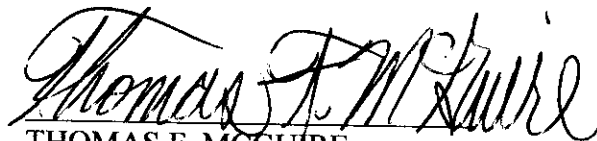
The Defendant Currency is the property of the Claimant and was derived from a legitimate source.

WHEREFORE, the Claimant, Joseph Guilbe, prays that This Honorable Court will:

1. Dismiss the Plaintiff's Complaint and enter a judgment in behalf of the Claimant;
2. Deny issuance of a certificate of probable cause pursuant to 28 U.S.C. Section 2465 and award costs and attorney fees to the Claimant;
3. Provide such other relief as This Honorable Court deems proper and just.

THE CLAIMANT, JOSEPH GUILBE

BY HIS ATTORNEY


THOMAS F. MCGUIRE

1365 MAIN STREET

SPRINGFIELD, MA. 01103


413/746-3020/FAX413/746-4289

OCTOBER 7, 2004

BBO # 335140

CERTIFICATE OF SERVICE

I, Thomas F. McGuire, certify that I caused the attached Answer To Complaint For Forfeiture and Demand For Jury Trial to be served on Assistant United States Attorney Todd Newhouse by mailing same, with first class postage pre-paid thereon, to his office at 1550 Main Street, Springfield, Ma. 01103 and on Assistant United States Attorney Shelby D. Wright by mailing same, with first class postage pre-paid thereon, to her office at Moakley Courthouse, 1 Courthouse Way, Suite 9200, Boston, Ma. 02210 on October 8, 2004.


THOMAS F. MCGUIRE